



4. This Honorable Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343. This action is also brought pursuant to 42 U.S.C. § 1983 to redress violations of the United States Constitution, the Constitution of the State of Ohio, federal statutory entitlements, state statutory entitlements, and common law. This admittedly hastily filed complaint does not name specific causes of action other than what has been previously noted because of the urgent need for a preliminary injunction and a temporary restraining order.
5. Venue is proper here pursuant to 28 U.S.C. § 1391(b). The claims arise in this district.
6. In addition, this Honorable Court has supplemental jurisdiction under 28 U.S.C. § 1367 over any claims based upon state law.

### **Factual Allegations**

7. Plaintiff is the author of a blog at <http://nicholasblog.com>. He writes about sports, politics, news, and other topics of interest.
8. Plaintiff, as a member of The Church of Jesus Christ of Latter-day Saints, became interested in an international news story<sup>1</sup> surrounding an individual facing excommunication who was speaking out against the Church publicly to many international news agencies. Plaintiff decided to blog about this topic on and his interpretation thereof on January 15, 2015.

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<sup>1</sup> Goodstein, Laurie. "Mormon Church Threatens Critic With Excommunication. 15 January 2015. [http://www.nytimes.com/2015/01/16/us/john-dehlin-mormon-critic-facing-excommunication.html?\\_r=0](http://www.nytimes.com/2015/01/16/us/john-dehlin-mormon-critic-facing-excommunication.html?_r=0)

9. Brigham Young University professor Dr. Daniel Peterson posted a link to Plaintiff's blog on his Patheos blog<sup>2</sup> on January 20, 2015, resulting in an increase in traffic to Plaintiff's website. Dr. Peterson wrote:

“I've come across a really interesting and attractively designed Mormon-oriented blog by [Nicholas Alahverdian](#) that I want to call to your attention: <http://www.nicholasblog.com>. May there be more such blogs by faithful members of the Church!”

10. This was unsolicited and Plaintiff had never previously spoken with Dr. Peterson.
11. On February 8, 2015, Plaintiff emailed Dr. Peterson to thank him for his act of complimenting and linking to Plaintiff's blog.
12. Dr. Peterson posted another link, now deleted, to an updated article written by the Plaintiff about the excommunication situation. This post went viral and within hours had tens of thousands of website visits.
13. On various forum websites and message boards, those with their own opinions began to comment that Plaintiff was an employee of the Church (Plaintiff is not an employee although he is a Church Service Missionary with responsibilities under the auspices of the Church's Family History Department and FamilySearch International) and has been convicted of a misdemeanor by a municipal court in Ohio.
14. Plaintiff began to receive phone calls, emails, texts and comments that were incredibly distasteful and occasionally threatening in nature.

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<sup>2</sup> <http://www.patheos.com/blogs/danpeterson/2015/01/an-interesting-mormon-blog-that-i-hadnt-seen-before.html>

15. On February 9, 2015, Plaintiff received a tweet<sup>3</sup> from Shawn Gordon, an individual with whom Plaintiff had never previously spoken, that read: "@nalahverdian either someone is impersonating you and sending out vile emails, or you are sending them out. I thought I'd check with you 1st." Plaintiff responded and asked Mr. Gordon to email what was sent to him. This is what was transmitted:

----- Original Message -----

Subject:

Re: My testimony

Date: Mon, 09 Feb 2015 11:58:37 -0800

From: Shawn Gordon <[shawn@progrockrecords.com](mailto:shawn@progrockrecords.com)>

To: [edward.alahverdian@hush.com](mailto:edward.alahverdian@hush.com)

CC: Hyrum Smith <[admin@marvelousworkandawonder.com](mailto:admin@marvelousworkandawonder.com)>

quite fascinating

On 2/9/2015 11:55 AM, [edward.alahverdian@hush.com](mailto:edward.alahverdian@hush.com) wrote:

My beloved brothers and sisters,

I'm Nicholas Alahverdian the Public Relations Specialist of the Mormon Church. (<https://www.linkedin.com/in/nicholasalahverdian>)

I'm a registered sex offender. (<http://www.icrimewatch.net/offenderdetails.php?OfndrID=1552338&AgencyID=55149&x=839f2662-973a-47e1-9789-c13c527c9f24>)

I'm a Mormon. (<http://mormon.org/me/8QBR/NicholasAlahverdian>)

I bear my testimony that I know with every fiber of my exposed woody, that the Book of Mormon is blue and I testify to you that I'm not the only true and living sex offender in the church!!

I hold on to my iron rod every day. Now even stronger than ever before! The sisters in church will testify! I love the prophet Joe Smith and his 40 wife's. He is my example and redeemer.

Since I was a young boy I've been a fan of nature. I enjoy the smell of morning wood in my bedroom. Sometimes I even went out in woods and I pitched a tent

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<sup>3</sup> <https://twitter.com/ProgRockRec/status/564905639655133184>

all by myself. In 2008 however I got caught chokin' a chicken on a public playground with my buffed banana exposed.

While I was in prison I learned from my good friend Poyd G. Cracker, that the exposure of my willy is a deathly sin and I would only receive forgiveness by the blood atonement. I knew he was telling the truth and i was willing to obey him. So he anointed my willy with oil from his little factory. Then he drew a flaming sword and destroyed my willy eternally. I felt no pain at all, because I had burning in my pants that overwhelmed me.

I knew from this moment on I will serve the Lord for the rest of my life and I will destroy everyone within the righteous way of Mormonism.

I testify that fighting the purple helmet warrior will turn you into a faggot like me! Stay away from the one-eyed snake!

I rebuke everyone who is rubbing one out by the power of my neverlasting Priesthood. At the last day I will testify against you joystick player and the Lord will exalt me into Hagops barber shop. (Please look up my self made Wikipedia page for more information.)

In the name of our mighty Joseph!  
Your eunuch brother Nicholas Edward Alahverdian  
(sexy ladies add me on tinder)

16. Plaintiff also received this email upon checking his inbox. Internet users began to comment and tweet about receiving a disgusting email from Plaintiff, noting that this email was sent to a large number of internet users. Plaintiff also discovered that the “hush.com” email service provides the ability to encrypt one’s email address.

17. Plaintiff also received an additional email from “[alahverdian@hush.com](mailto:alahverdian@hush.com)”

Call me if you have a problem with my honest e-mail. My number is 617-453-8399

Also follow me on twitter <https://twitter.com/nalahverdian>

May the mighty Joseph destroy every single unbeliever with my iron rod!  
I'm so horny right now baby.

Please not forget, I'm a sex offender so call me sexy ladies 617-453-8399

All you haters stay away with your small dicks.

<http://www.mydaytondailynews.com/news/news/former-sinclair-students-suit-alleges-sex-case-mis/nXN9b/>

18. Plaintiff immediately contacted his attorney, Eric J. Allen, law enforcement, and his LDS priesthood leaders. It was discovered<sup>4</sup> that Defendant Christopher Nemelka<sup>5</sup> professes<sup>6</sup> that he translated the sealed portion of The Book of Mormon and is the reincarnation of Hyrum Smith, a 19th century religious leader and brother of the first president of the LDS Church, Joseph Smith.<sup>7</sup>
19. Orem, Utah Police Officer Oliva informed Plaintiff that Nemelka is known to law enforcement, is psychologically unstable, and has done this to people before.
20. Moreover, it has also been documented at [chrisnemelka.com](http://chrisnemelka.com) that he has done this before with hush.com email addresses and his name and website ([marvelousworkandawonder.com](http://marvelousworkandawonder.com)) were included in the “CC” entry field in the emails pertaining to the instant case and other cases.
21. Plaintiff began to experience an onslaught of harassment and abuse, including bullying, defamation, threats, being called a rapist and other atrocities. This seems to be exacerbated by the fact that the fictitious email wherein Defendant Nemelka

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<sup>4</sup> Bhattacharya, Sanjiv. “Secrets and Wives: The Hidden World of Mormon Polygamy.” <http://goo.gl/jMoj0F>

<sup>5</sup> <http://thesealedportion.com>

<sup>6</sup> <http://chrisnemelka.com>

<sup>7</sup> <http://marveousworkandawonder.com>

impersonated the Plaintiff continues to be illicitly propagated by several exmormon and antimormon internet users as being sent by the Plaintiff.<sup>8</sup>

22. Plaintiff learned that Defendant had been sending this email multiple times per day for several consecutive days. Plaintiff also learned, while researching Nemelka's "A Marvelous Work and a Wonder" entity, that another email from Nemelka himself was sent<sup>9</sup> in the past using a hush.com account just as he did with the harassing and defamatory articles about Plaintiff.
23. Plaintiff also discovered<sup>10</sup> at chrisnemelka.com that there are many internet and "real life" identities of Nemelka. Plaintiff learned that his name has been added to the identity theft page (it reads "Nick Alaverdian: Hushmail (Sent "Diary of a Player" type of obscene email to Legion email) (sic)."
24. Plaintiff never contacted anyone from that website but was informed that the email was being discussed around the internet because of its shocking contents and the alleged sender (Plaintiff).
25. Plaintiff conversed more with Mr. Shawn Gordon to learn how Defendant acquired his email address:

On 2/14/2015 5:15 PM, Nicholas Alahverdian wrote:  
Hi Shawn,

I'm really sorry to bother you again, but I need to ask an important question.  
Have you ever received any emails like this one before? Have you ever

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<sup>8</sup> <http://exmormon.org/phorum/read.php?2,1509702>

<sup>9</sup> [http://www.reddit.com/r/exmormon/comments/2rywll/an\\_email\\_from\\_the\\_brethren\\_of\\_the\\_church/](http://www.reddit.com/r/exmormon/comments/2rywll/an_email_from_the_brethren_of_the_church/)

<sup>10</sup> <http://chrisnemelka.com/nemelkas-many-identities/>

received anything from a hushmail email account before? I need to figure this stuff out so I can bring the person responsible to justice.

Thanks so much.

Nicholas

Sent from my iPhone

On Feb 14, 2015, at 8:18 PM, Shawn Gordon  
<shawn@progrockrecords.com> wrote:

yes, one other time about a month ago, similar thing, pretending to be from the church but then slagging it. I don't even know how they ended up with my record label email address, although the "marelousworkandawonder" guy is a nut job that claims he translated the sealed portion of the book of mormon, but he also has been caught on tape admitting he just invented it all.

There is a bogus twitter account for Thomas Monson that the Ordain Women group made up to try and fool people into thinking the prophet supports them.

good luck.

On 2/14/2015 5:24 PM, Nicholas Alahverdian wrote:

Thank you so much for your help. Could you forward that email to me? I am actively LDS and what this guy is sending, as you have seen, is absolutely reprehensible. I cannot believe the audacity of his behavior. He made an already traumatizing situation 10 times worse and now I have to clean up his mess so that my life can return to some sort of modicum of decency.

Thank you so much.

One other question, are you Mormon? How do you think he got your email address? Do you have any theories? Please feel free to share them with me.

Nick

I just forwarded it to you. I'm LDS and I get in a lot of youtube arguments with anti-mormons on videos that are anti-mormon. I'm a pretty public and well known guy in my circles, since my youtube account is related to this email account, I assume that that is the connection.

best,  
shawn

26. Plaintiff has contacted the Orem, Utah Police Department (who noted that they have had numerous encounters with this individual and is psychologically unstable), the Federal Bureau of Investigation in Cincinnati and Salt Lake City, and the Montgomery County Sheriffs Office. While there has been a looming question of jurisdiction, Plaintiff has contacted these agencies with hopes of keeping this issue out of the court system, but due to a confusion of law enforcement jurisdiction, Plaintiff has been unable to have accepted by any of these agencies a criminal complaint, notwithstanding the civil approach that the Plaintiff may have pursued (and is pursuing) regarding the civil claims against Defendant.
27. The emails and different versions thereof continue to be sent and posted around the worldwide web, making recipients believe that Plaintiff is sending the email when it is actually the Defendant, maliciously doing so while being libelous, fraudulent, defamatory, and one who is intentionally inflicting emotional distress.
28. Plaintiff is suffering immediate and irreparable damage as a result of these emails being sent to innumerable individuals. The Plaintiff has already been portrayed by

the Defendant (who is illicitly and fraudulently impersonating Plaintiff) via publication and republication as one who is delusional, sexually deviant, insane and is willing to “destroy everyone within the righteous way of Mormonism” and “every single unbeliever [of Mormonism]”

29. Defendant has thus adversely reflected and implied that Plaintiff is unfit to conduct his business and responsibilities in both the secular and spiritual spheres of society.
30. Defendant has caused and will continue to cause severe harm to the Plaintiff, either by impersonating him and sending emails in his name to countless people or directly and intentionally, as someone with a significant criminal history, causing further injury to the Plaintiff by other means.

**Cause of Action 1: Libel**

31. Plaintiff hereby incorporates foregoing paragraphs.
32. Defendant has recklessly and maliciously propagated libelous content to countless individuals across the United States and around the world in violation of O.R.C. 2739.01.
33. Plaintiff has been injured as a direct and proximate result of the dissemination of libelous content by Defendant.

**Cause of Action 2: Intentional Infliction of Emotional Distress**

34. Plaintiff hereby incorporates foregoing paragraphs.

35. Defendant has recklessly and maliciously inflicted emotional distress upon the Plaintiff as a result of Defendant's aforesaid conduct.
36. Plaintiff has been injured as a direct and proximate result of the infliction of emotional distress caused by Defendant.

**Cause of Action 3: Telecommunications Harassment**

37. Plaintiff hereby incorporates foregoing paragraphs.
38. Defendant recklessly and maliciously sent an email with the purpose of abusing, threatening and harassing the Plaintiff in violation of O.R.C. 2917.21.
39. Plaintiff has been injured as a direct and proximate result of Defendant's reckless and malicious act of sending of an email with the purpose of abusing, threatening and harassing the Plaintiff.

**Cause of Action 4: Identity Fraud**

40. Plaintiff hereby incorporates foregoing paragraphs.
41. Defendant, without the express or implied consent of Plaintiff, recklessly and maliciously obtained, used, and possessed personal identifying information including the name and telephone number of the Plaintiff to hold himself out to be and impersonate the Plaintiff in violation of O.R.C. 2913.49(B)(1).
42. Plaintiff has been injured as a direct and proximate result of the Defendant's act of obtaining, using, and possessing personal identifying information including the name and telephone number of the Plaintiff to hold himself out to be and impersonate the Plaintiff.

**Cause of Action 5: Defamation *per se***

43. Plaintiff hereby incorporates foregoing paragraphs.
44. Defendant has recklessly and maliciously committed defamation *per se* by impersonating the Plaintiff and, while under the guise of the Plaintiff, accused himself and admitted to various crimes, has severe delusions, is psychologically unstable, has homicidal and suicidal tendencies, is averring that he is unfit to conduct business or employment and LDS Church responsibilities, and imputing serious sexual misconduct and emailing it to countless email addresses resulting in a widespread readership that is now discussing the threats and acts and beliefs of the “Plaintiff.”
45. Plaintiff has been injured as a direct and proximate result of the dissemination of emails implying that Plaintiff is unfit to conduct business and/or employment and/or LDS Church responsibilities. Plaintiff has also been injured by the emails sent with an ominous tone by the Defendant falsely insinuating the current, imminent and future serious sexual misconduct and child sex abuse will be perpetrated by the Plaintiff.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests of this Court the following relief:

- A. An order restraining and enjoining Defendant from impersonating the Plaintiff via email or any other method of telecommunication;

- B. An order restraining and enjoining Defendant from contacting, harassing, defaming, or publishing any defamatory material about the Plaintiff;
- C. Awarding Plaintiff full compensatory damages on his claims in an amount to be determined at trial, but not less than \$75,000;
- D. Assessing appropriate punitive damages in an amount sufficient to punish Defendant for his conduct and to set an example to deter others from similar conduct;
- E. Award Plaintiff pre- and post-judgment interest;
- F. Attorney fees and costs;
- G. Such other and further relief as this Court may deem necessary or proper.

Respectfully submitted,

**NICHOLAS ALAHVERDIAN**

/s/ Eric J. Allen

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